

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

FILED

IN CLERKS OFFICE

In Re: Merrimac Paper Company, et al v. Harrison et al

Chapter 11

Adversary Proceeding 03-0481

Judge Joel B. Rosenthal

2003 DEC 15 P 2:07

U.S. DISTRICT COURT
DISTRICT OF MASS.

CLERK'S CERTIFICATION FOR TRANSMITTAL
OF RECORD ON APPEAL

I, JAMES M. LYNCH, Clerk of the United States Bankruptcy Court for the District of Massachusetts, do hereby certify that the annexed documents are copies of the original papers as described in the accompanying Designation of Record and constitute the Record on Appeal in the case entitled and numbered **Merrimac Paper Company, Inc. v. Ralph Harrison, Alan Eggert. Transcript is forthcoming .**

IN TESTIMONY WHEREOF, I HEREUNTO SET
MY HAND AND AFFIX THE SEAL OF THIS
COURT, AT WORCESTER, IN THE DISTRICT OF
MASSACHUSETTS, THIS 15th DAY OF DECEMBER

Date: 12/15/03

James M. Lynch
Clerk, U.S. Bankruptcy Court



By the Court,

Joanne M. Ryan

Deputy Clerk
(508) 770-8921

Receipt of the documents in the above entitled case as described in the Designation of Record is hereby acknowledged this 15th day of December, 2003

This case has been assigned No. 03-40282

Kathy Hassett
DEPUTY CLERK

FILED
UNITED STATES BANKRUPTCY COURT IN CLERK'S OFFICE
DISTRICT OF MASSACHUSETTS
(Western Division)

2003 NOV 14 A 9 32

U.S. BANKRUPTCY COURT
DISTRICT OF MASS.

In re:

MERRIMAC PAPER COMPANY, INC.,
et al.

Debtors

Chapter 11

Case No. 03-41477-JBR to
03-414479-JBR

Jointly Administered

MERRIMAC PAPER COMPANY, INC.,

Plaintiff,

v.

RALPH HARRISON,
ALAN EGGERT,

Defendants.

Adv. Proc. No. 03-4181

NOTICE OF APPEAL

Defendants Ralph Harrison and Alan Eggert appeal under 28 U.S.C. § 158(a) from the Memorandum of Decision On Plaintiff's Motion for Partial Summary Judgment And Objections to Confirmation of the First Amended Joint Plan of Reorganization, As Modified and the related judgments, orders or decrees (including orders concerning confirmation of the final plan) of United States Bankruptcy Judge Joel B. Rosenthal entered in this bankruptcy action and adversary proceeding on the 7th Day of November 2003 and entered as amended as a separate and final judgment on the 12th Day of November 2003.

11/14/03

34

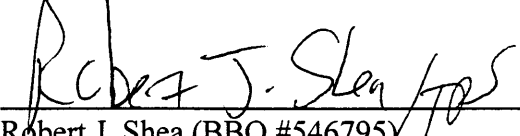
The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

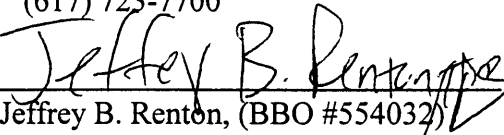
Party: Merrimac Paper Company, Inc.

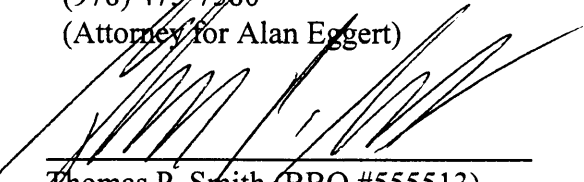
Counsel:	Andrew J. Lizzotte, Esq.	and	James F. Wallack, Esq.
	Hanify & King LLP		Goulston & Storrs
	One Beacon Street		400 Atlantic Ave
	Boston, MA 02108		Boston, MA 02110
	tel. 617-423-0400		tel. 617-482-1776

RALPH HARRISON and
ALAN R. EGGERT,

By their attorneys,


Robert J. Shea (BBO #546795)
Rudolph Friedman, LLP
92 State Street
Boston, MA 02109
(617) 723-7700


Jeffrey B. Renton, (BBO #554032)
Gilbert & Renton, LLC
23 Main Street
Andover, MA 01810
(978) 475-7580
(Attorney for Alan Eggert)


Thomas P. Smith (BBO #555513)
Caffrey & Smith, P.C.
300 Essex Street
Lawrence, MA 01840
(978) 686-6151
(Attorney for Ralph Harrison)

Date: November 14, 2003

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Western Division)**

In re:

**MERRIMAC PAPER COMPANY, INC.,
et al.**

Debtors

Chapter 11

**Case No. 03-41477-JBR to
03-41479-JBR**

Jointly Administered

MERRIMAC PAPER COMPANY, INC.,

Plaintiff,

V.

**RALPH HARRISON,
ALAN EGGERT,**

Defendants.

Adv. Proc. No. 03-4181

FILED
IN CLERK'S OFFICE
2003 NOV 14 A 9 32
U.S. BANKRUPTCY COURT
DISTRICT OF MASS.

NOTICE OF ELECTION TO HAVE APPEAL HEARD BY THE DISTRICT COURT

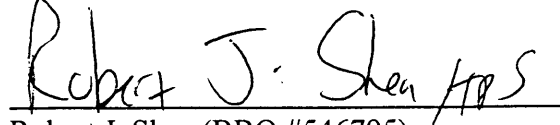
Defendants/Appellants Ralph Harrison and Alan Eggert elect to have their appeals in the above-captioned matters heard by the United States District Court for the District of Massachusetts under 28 U.S.C. § 158(c).

11/14/03

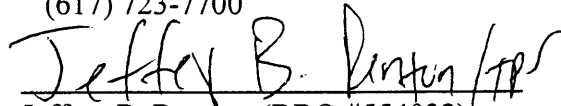
35

RALPH HARRISON and
ALAN R. EGGERT,

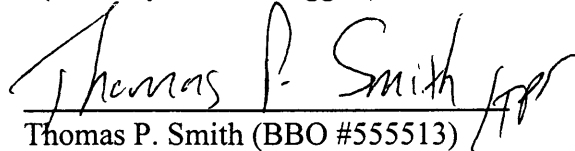
By their attorneys,

Handwritten signature of Robert J. Shea in black ink, with the initials 'RJS' at the end.

Robert J. Shea (BBO #546795)
Rudolph Friedman, LLP
92 State Street
Boston, MA 02109
(617) 723-7700

Handwritten signature of Jeffrey B. Renton in black ink, with the initials 'JBR' at the end.

Jeffrey B. Renton, (BBO #554032)
Gilbert & Renton, LLC
23 Main Street
Andover, MA 01810
(978) 475-7580
(Attorney for Alan Eggert)

Handwritten signature of Thomas P. Smith in black ink, with the initials 'TPS' at the end.

Thomas P. Smith (BBO #555513)
Caffrey & Smith, P.C.
300 Essex Street
Lawrence, MA 01840
(978) 686-6151
(Attorney for Ralph Harrison)

Date: November 14, 2003

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re: Merrimac Paper Company, et al v. Harrison et al

Chapter 11

Adversary Proceeding 03-04181

Judge Joel B. Rosenthal

NOTICE OF FILING OF APPEAL TO DISTRICT COURT

A Notice of Appeal and an Election to have the appeal heard in the United States District Court were filed on **NOVEMBER 14, 2003** in the above case/proceeding.

Please refer to 28 U.S.C. § 158(c)(1), Federal Rule of Bankruptcy Procedure 8001 et seq., and Local Rule 203 of the U.S. District Court. Also, pursuant to Federal Rule of Bankruptcy Procedure 8006 the Appellant must file with the Clerk of this Court, a Designation of the Record on Appeal and a Statement of the Issues to be presented on Appeal, within ten (10) days of the filing of the:

1. Notice of Appeal, or
2. Entry of an Order granting leave to appeal, or
3. Entry of an Order disposing of the last timely motion outstanding of a type specified in Rule 8002(b),

whichever is **later**.

A copy of the Designation and Statement shall be served by the Appellant on the Appellee.

The Appellee may file a Designation of Additional Papers to be included in the Record on Appeal within ten (10) days after service of the Appellant's Designation and Statement.

Upon the filing of Designation(s) of Record and Statement of Issues on Appeal, the Appellant (and Appellee if additional papers have been designated) shall, provide the Clerk with copies of all papers which have been designated for inclusion in the Record on Appeal within twenty-five (25) days of the issuance of this notice.

It is the duty of the parties to insure that the Record on Appeal is complete. The Clerk of the Bankruptcy Court will transmit the Record on Appeal as assembled by the parties.

Date: 11/14/03

James M. Lynch
Clerk, U.S. Bankruptcy Court

By the Court,

Joanne M. Ryan
Deputy Clerk
(508) 770- 8921

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Western Division)

In re:)	
)	
MERRIMAC PAPER COMPANY, INC.,)	Chapter 11
<i>et al.</i>)	Case No. 03-41477-JBR to
)	03-414479-JBR
Debtors)	
)	Jointly Administered
MERRIMAC PAPER COMPANY, INC.,)	
)	
Plaintiff,)	
v.)	Adv. Proc. No. 03-4181
)	
RALPH HARRISON,)	
ALAN EGGERT,)	
)	
Defendants.)	
)	

**APPELLANTS' DESIGNATION OF ITEMS TO BE INCLUDED
IN RECORD ON APPEAL AND
STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL**

Pursuant to Fed. R. Bankr. Procedure 8006 and Local Rule 203 of the District of Massachusetts, Appellants Ralph Harrison and Alan Eggert submit this designation and statement of issues.

I. Designation of Items for Inclusion In Record on Appeal

Title	Docket No.	Date filed
Complaint	1	6/20/2003
Answer	6	7/25/2003
Motion to Withdraw Reference	7	7/25/2003

12-1-03

467
47

Exhibits in Support of Motion to Withdraw Reference	8	7/25/2003
Amended Complaint	12	8/13/2003
Answer to Amended Complaint	15	10/8/2003
Motion for Partial Summary Judgment	17	10/15/2003
Statement of Undisputed Facts	18	10/15/2003
Memorandum in Support of Summary Judgment	19	10/15/2003
Opposition of Defendants Alan Eggert and Ralph Harrison to Motion for Partial Summary Judgment	22	10/31/2003
Response of Defendants Alan Eggert and Ralph Harrison to Motion for Partial Summary Judgment	23	10/31/2003
Affidavit of Thomas P. Smith	24	10/31/2003
Memorandum of Decision	25	11/7/2003
Order	26	11/7/2003
Motion for Entry of Separate and Final Judgment	28	11/10/2003
Order Entering Separate and Final Judgment	31	11/12/2003
Final Judgment	32	11/12/2003
Amended Final Judgment	33	11/12/2003
Notice of Appeal	34	11/14/2003
Election of Appeal to District Court	35	11/14/2003

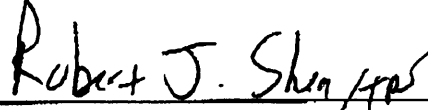
II. Statement of Issues to be Presented on Appeal

- A. Did the Bankruptcy Court err in ruling that the claims of Harrison and Eggert were subject to equitable subordination under 11 U.S.C. § 510(c) and granting summary judgment on Count I of the Amended Complaint?
- B. Did the Bankruptcy Court err in ruling that the claims of Harrison and Eggert, except for those arising from the promissory notes of Debtor, were subject to equitable subordination under 11 U.S.C. § 510(b) and granting partial summary judgment on Count VI of the Amended Complaint?
- C. Did the Bankruptcy Court err in ruling that the liens of Harrison and Eggert should be transferred to the Debtor under 11 U.S.C. § 501(c)(2) and granting partial summary judgment on Count III of the Amended Complaint?
- D. Did the Bankruptcy Court err in ruling that Eggert's attachment was a preferential transfer under 11 USC § 547 and granting summary judgment on Count IV of the Amended Complaint?
- E. Did the Bankruptcy Court err in ruling that it had jurisdiction to rule in the Adversary Proceeding in light of a filed motion to withdraw the reference?

Respectfully submitted,

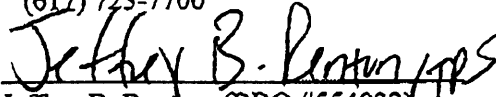
RALPH HARRISON and
ALAN R. EGGERT,

By their attorneys,



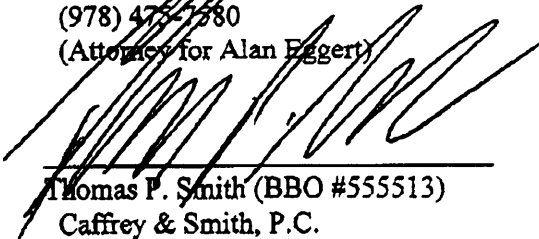
Robert J. Shea (BBO #546795)

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(617) 723-7700



Jeffrey B. Renton, (BBO #554032)

Gilbert & Renton, LLC
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(978) 475-7580
(Attorney for Alan Eggert)



Thomas P. Smith (BBO #555513)

Caffrey & Smith, P.C.
300 Essex Street
Lawrence, MA 01840
(978) 686-6151
(Attorney for Ralph Harrison)

Date: November 21, 2003

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Bankr. P. 8008(b), I, Thomas P. Smith, hereby certify that I served the foregoing document on the following parties to this appeal or their counsel by first class mail, postage prepaid:

Andrew J. Lizzotte, Esq.
Hanify & King LLP
One Beacon Street
Boston, MA 02108

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Goulston & Storrs
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Robert J. Shea, Esq.
Rudolph Friedman, LLP
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Boston, MA 02109

Jeffrey B. Renton, Esq.
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Charles R. Dale, III, Esq.
Gadsby & Hannah LLP
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Boston, MA 02110

Peter N. Baylor, Esq.
Nutter, McClennen & Fish LLP
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Boston, MA 02110

Christopher J. McCarty, Esq.
One Financial Plaza
Providence, RI 02903



Thomas P. Smith

APPEAL

**United States Bankruptcy Court
District of Massachusetts (Worcester)
Adversary Proceeding #: 03-04181**

Assigned to: Judge Joel B. Rosenthal

Related BK Case: 03-41477

Related BK Title: Merrimac Paper Company, Inc.

Demand: \$543000

Nature of Suit: 454

Date Filed: 06/20/03

Plaintiff

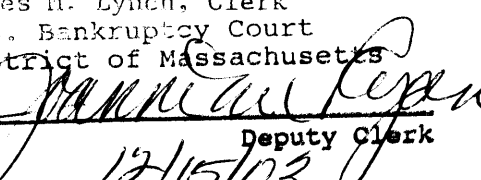
Merrimac Paper Company, et al

represented by **Andrew G. Lizotte**
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(617) 423-0400
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Email: jxs@hanify.com

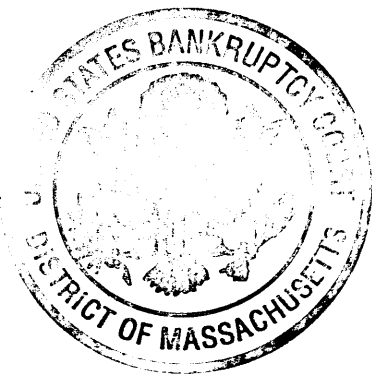
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Rafael Klotz
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400 Atlantic Avenue
Boston, MA 02110
(617) 574-3572
Email: rklotz@goulstonstorrs.com

Certified to be a true and
correct copy of the original
James M. Lynch, Clerk
U.S. Bankruptcy Court
District of Massachusetts

By: 
Deputy Clerk

Date: 12/15/03



V.

Defendant

Ralph Harrison

represented by **Robert J. Shea**
Rudolph Friedman, LLP
92 State St.
Boston, MA 02109
(617) 723-7700








Thomas P. Smith

Caffrey & Smith, P.C.
300 Essex Street
Lawrence, MA 01840
(978) 686-6151

Alan Eggert

represented by **Jeffrey B. Renton**
Gilbert & Renton LLC
23 Main St.
Andover, MA 01810
(978) 475-7580

Robert J. Shea
(See above for address)

Filing Date	#	Docket Text
06/20/2003	 1	454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al against Ralph Harrison , Alan Eggert . Receipt Number 00551772, Fee Amount \$150 (hrc, USBC) (Entered: 06/20/2003)
06/23/2003	 2	Summons Issued on Alan Eggert AND Ralph Harrison. Answer Due 7/23/2003. (jr ,) (Entered: 06/23/2003)
06/25/2003	 3	Status Conference Scheduled RE: 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al against Ralph Harrison and Alan Eggert. A STATUS CONFERENCE WILL BE HELD IN THE ABOVE ADVERSARY PROCEEDING ON JULY 31, 2003 AT 10:30 AM IN COURTROOM NUMBER 3. (jr ,) (Entered: 06/25/2003)
06/27/2003	 4	Summons Service Executed on Robert J. Shea, Esq. for Alan Eggert and Ralph Harrison on 6/26/2003. (jr ,) (Entered: 06/30/2003)
07/01/2003	 5	Certificate of Service Re: 3 Hearing Scheduled Filed by Andrew Lizotte. (jr ,) (Entered: 07/01/2003)
07/25/2003	 6	Answer of Alan Eggert and Ralph Harrison to Complaint for Subordination of Claims, Avoidance of Liens and Recovery of Property; and Jury Demand. c/s (jr ,) (Entered: 07/28/2003)
07/25/2003	 7	Motion to Withdraw the Reference of LR D.Mass. 201 with Respect to this Adversary Proceeding Filed by Defendants Alan Eggert and Ralph Harrison with Memorandum of Law. c/s (jr ,) (Entered: 07/28/2003)

07/25/2003	8	Exhibits Binder Re: 7 Motion to Withdraw Reference Filed by Defendants Alan Eggert and Ralph Harrison. c/s (jr ,) (Entered: 07/28/2003)
07/28/2003	9	Clerk's Notice of Fees Due Re: 7 Motion to Withdraw the Reference of LR D.Mass. 201 with Respect to this Adversary Proceeding Filed by Defendants Alan Eggert and Ralph Harrison with Memorandum of Law. Fee due by 8/7/2003. (jr ,) (Entered: 07/28/2003)
07/31/2003		Receipt Number 512898, Fee Amount \$75 Re: 9 Clerk's Notice of Fees Due. (jr ,) (Entered: 08/06/2003)
08/11/2003		Hearing Held Re: 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al against Ralph Harrison , Alan Eggert. (jr ,) (Entered: 08/11/2003)
08/11/2003	10	Order: STATUS CONFERENCE HELD. (jr ,) (Entered: 08/11/2003)
08/11/2003	11	Assented to Motion Filed by Plaintiff Merrimac Paper Company, et al to Amend 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al against Ralph Harrison and Alan Eggert. c/s (jr ,) (Entered: 08/13/2003)
08/13/2003	12	Amended Complaint by Merrimac Paper Company, et al against Alan Eggert and Ralph Harrison Re: 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al. (jr ,) (Entered: 08/13/2003)
08/21/2003	13	Transmittal to District Court of 7 Motion to Withdraw the Reference of LR D.Mass. 201 with Respect to this Adversary Proceeding Filed by Defendants Alan Eggert and Ralph Harrison with Memorandum of Law. (ach) Additional attachment(s) added on 9/2/2003 (ach,). (Entered: 08/21/2003)
08/21/2003	14	Endorsed Order Granting 11 Assented to Motion Filed by Plaintiff Merrimac Paper Company, et al to Amend 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al against Ralph Harrison and Alan Eggert. ALLOWED. (jr ,) (Entered: 08/22/2003)
10/08/2003	15	Answer to Plaintiff's First Amended Complaint for Subordination of

		Claims, Avoidance of Liens and Recovery of Property; and Jury Demand Filed by Alan Eggert and Ralph Harrison. c/s (jr ,) (Entered: 10/15/2003)
10/15/2003	17	Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. c/s (jr ,) (Entered: 10/16/2003)
10/15/2003	18	Statement of Umdisputed Facts Relating to 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. c/s (jr ,) (Entered: 10/16/2003)
10/15/2003	19	Memorandum In Support of 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. c/s (jr ,) (Entered: 10/16/2003)
10/16/2003	16	Pre-Trial Order Re: 1 Complaint filed by Plaintiff Merrimac Paper Company, et al). Joint Pre-Trial Memorandum due by 2/12/2004. Discovery due by 1/13/2004. Rule 26(f) Due 11/28/03. (jr ,) (Entered: 10/16/2003)
10/23/2003	20	Hearing Scheduled Re: 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. Objections due by 10/31/2003 at 12:00 PM. Hearing scheduled for 11/5/2003 at 01:30 PM Worcester Courtroom 3. (jr ,) (Entered: 10/23/2003)
10/27/2003	21	Certificate of Service Re: 20 Hearing Scheduled Re: 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al Filed by Andrew Lizotte. (jr, usbc) (Entered: 10/27/2003)
10/31/2003	22	Opposition of Defendants Alan Eggert and Ralph Harrison Re: 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. c/s (jr, usbc) (Entered: 10/31/2003)
10/31/2003	23	Response by Defendants Alan Eggert and Ralph Harrison To 18 Plaintiff's Statement of Umdisputed Facts Relating to 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. c/s (jr, usbc) (Entered: 10/31/2003)
10/31/2003	24	Affidavit of Thomas P. Smith Re: 22 Opposition of Defendants Alan Eggert and Ralph Harrison Re: 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. c/s (jr, usbc) (Entered: 10/31/2003)
11/07/2003	25	Memorandum of Decision Re: 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. (jr, usbc) (Entered: 11/07/2003)

11/07/2003	26	Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. See Order For Full Text. (jr, usbc) (Entered: 11/07/2003)
11/10/2003	27	Notice of Pre-Trial Conference Re: 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) Complaint by Merrimac Paper Company, et al against Ralph Harrison and Alan Eggert. A PRE-TRIAL CONFERENCE WILL BE HELD IN THE ABOVE ADVERSARY PROCEEDING ON JANUARY 22, 2004 AT 10:00 AM. (jr, usbc) (Entered: 11/10/2003)
11/10/2003		Pre-Trial Conference set for 1/22/2004 at 10:00 AM at Worcester Courtroom 3 Re: 1 454 (Recover Money/Property): 435 (To Determine Validity, Priority, or Extent of a Lien): 457 (To Subordinate any Allowed Claim or Interest) against Ralph Harrison and Alan Eggert, Complaint by Merrimac Paper Company, et al. (jr, usbc) (Entered: 11/10/2003)
11/10/2003	28	Motion for Entry of Seperate and Final Judgment Under Fed.R.Bank.P. 7054(b) Filed by Defendants Alan Eggert and Ralph Harrison. c/s (jr, usbc) (Entered: 11/10/2003)
11/10/2003	29	Motion For Expedited Determination Re: 28 Motion for Entry of Seperate and Final Judgment Under Fed.R.Bank.P. 7054(b) Filed by Defendants Alan Eggert and Ralph Harrison. c/s (jr, usbc) (Entered: 11/10/2003)
11/11/2003	30	Response (To: 28 Motion filed by Defendant Ralph Harrison, Defendant Alan Eggert) <i>For Entry Of Separate And Final Judgment with Certificate of Service</i> by Plaintiff Merrimac Paper Company, et al Re: 28 Miscellaneous Motion filed by Defendant Ralph Harrison, Defendant Alan Eggert (Lizotte, Andrew) (Entered: 11/11/2003)
11/12/2003	31	Order Granting 29 Motion For Expedited Determination Re: 28 Motion for Entry of Seperate and Final Judgment Under Fed.R.Bank.P. 7054(b) Filed by Defendants Alan Eggert and Ralph Harrison. See Order For Full Text. (jr, usbc) (Entered: 11/12/2003)
11/12/2003	32	Final Judgment Under Fed.R.Bankr.P. 7054(b) on Counts I,III,IV, and VI. See Judgment For Full Text. (jr, usbc) (Entered: 11/12/2003)
11/12/2003	33	Amended 32 Final Judgment Under Fed.R.Bankr.P. 7054(b) on Counts I,III,IV, and VI. See Judgment For Full Text. (jr, usbc) (Entered: 11/12/2003)
11/14/2003	34	Notice of Appeal Filed by Defendants Alan Eggert and Ralph

		Harrison Re: 26 Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. Appellant Designation due by 11/24/2003. Complied Records Due by 12/9/2003. Transmission of Designation Due by 12/15/2003. (jr, usbc) (Entered: 11/14/2003)
11/14/2003	35	Election of Appeal to District Court Filed by Defendants Alan Eggert and Ralph Harrison Re: 34 Notice of Appeal Filed by Defendants Alan Eggert and Ralph Harrison Re: 26 Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. (jr, usbc) (Entered: 11/14/2003)
11/14/2003	36	Notice of Appeal to District Court Re: 34 Notice of Appeal Filed by Defendants Alan Eggert and Ralph Harrison Re: 26 Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. (jr, usbc) (Entered: 11/14/2003)
11/14/2003	37	Clerk's Notice of Fees Due Re: 34 Notice of Appeal Filed by Defendants Alan Eggert and Ralph Harrison Re: 26 Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. Fee due by 11/24/2003. (jr, usbc) (Entered: 11/14/2003)
11/17/2003	38	Notice of Appeal . Receipt Number 516008, Fee Amount \$255 Filed by Interested Party William L. Provost Jr. (RE: 33 Amended Final Judgment and 26 Order on Motion For Summary Judgment). Appellant Designation due by 11/28/2003. Complied Records Due by 12/12/2003. Transmission of Designation Due by 12/17/2003. (ach, usbc) (Entered: 11/17/2003)
11/17/2003	39	Election of Appeal to District Court Filed by Interested Party William L. Provost Jr. (RE: 38 Notice of Appeal Filed by Interested Party William L. Provost Jr. (RE: 33 Amended Final Judgment and 26 Order on Motion For Summary Judgment)). (ach, usbc) (Entered: 11/17/2003)
11/17/2003	40	Notice of Appeal to District Court RE: 38 Notice of Appeal . Receipt Number 516008, Fee Amount \$255 Filed by Interested Party William L. Provost Jr. (RE: 33 Amended Final Judgment and 26 Order on Motion For Summary Judgment). (ach, usbc) (Entered: 11/17/2003)
11/17/2003	41	Motion For Amendment of 26 Judgment Entered on November 7, 2003 Filed by Creditor Mary K Logan. c/s. (ach, usbc) (Entered: 11/18/2003)
11/17/2003	42	Motion For Amendment of Confirmation Order Entered November 7, 2003 or for Alternative Relief Filed by Creditor Mary K Logan. c/s. (ach, usbc) (Entered: 11/18/2003)

11/21/2003	46	Appellant Designation of Contents For Inclusion in Record On Appeal Filed by Alan Eggert and Ralph Harrison RE: 34 Notice of Appeal Filed by Defendants Alan Eggert and Ralph Harrison Re: 26 Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. (jr, usbc) Modified on 12/4/2003 to Correct Linkage to Notice of Appeal #34. (jr, usbc). (Entered: 12/01/2003)
11/21/2003	47	Statement of Issues Filed by Defendants Alan Eggert and Ralph Harrison Re: 34 Notice of Appeal. (jr, usbc) Modified on 12/4/2003 to Correct Linkage to Notice of Appeal #34. (jr, usbc). (Entered: 12/01/2003)
11/24/2003	43	Supplement (Supplying Excerpts from Official Transcript) to 41 Motion For Amendment of 26 Judgment Entered on November 7, 2003 Filed by Creditor Mary K Logan. c/s (jr, usbc) (Entered: 11/24/2003)
11/24/2003	44	Decision and Order Regarding Motion for Amendment of Judgment (#41) filed by Creditor Mary K Logan. FOR THE FOREGOING REASONS, THE MOTION IS HEREBY DENIED. See Order For Full Text. (jr, usbc) (Entered: 11/24/2003)
11/24/2003	45	Decision and Order Regarding Motion for Amendment of Confirmation Order (#42) filed by Creditor Mary K Logan. FOR THE FOREGOING REASONS, THE MOTION IS HEREBY DENIED. See Order For Full Text. (jr, usbc) (Entered: 11/24/2003)
11/26/2003	52	Appellant Designation of Contents For Inclusion in Record On Appeal Filed by William L. Provost Jr. Re: 38 Notice of Appeal Filed by William L. Provost Jr. Re: 33 Amended Final Judgment and 26 Order on Motion For Summary Judgment. Appellee designation due by 12/8/2003. c/s (jr, usbc) (Entered: 12/04/2003)
11/26/2003	53	Statement of Issues Filed by William L. Provost Jr. Re: 38 Notice of Appeal Filed by William L. Provost Jr. Re: 33 Amended Final Judgment and 26 Order on Motion For Summary Judgment. c/s (jr, usbc) (Entered: 12/04/2003)
12/01/2003	48	Notice of Appearance and Request for Notice <i>and Substitution of Counsel</i> by Rafael Klotz. Filed by Plaintiff Merrimac Paper Company, et al (Klotz, Rafael) (Entered: 12/01/2003)
12/01/2003	49	Appellee Designation of Contents for Inclusion in Record of Appeal Filed by Plaintiff Merrimac Paper Company, et al (RE: 34 Notice of Appeal,, 38 Notice of Appeal,). (Klotz, Rafael) (Entered: 12/01/2003)

12/01/2003	50	Certificate of Service (Re: 48 Notice of Appearance, 49 Appellee Designation). Filed by Plaintiff Merrimac Paper Company, et al (Klotz, Rafael) (Entered: 12/01/2003)
12/02/2003		Receipt Number 516265, Fee Amount \$5.00 Re: 37 Clerk's Notice of Fees Due Re: 34 Notice of Appeal. (jr, usbc) (Entered: 12/02/2003)
12/04/2003	51	Transcript of Hearing Held RE: 17 Motion for Summary Judgment filed by Plaintiff Merrimac Paper Company, et al . (ld, usbc) (Entered: 12/04/2003)
12/08/2003	54	<i>Notice of Filing of Designated Item Number Two to Appellees' Designation of Additional Items to be Included in the Record on Appeal (Docket No. 49)</i> Filed by Plaintiff Merrimac Paper Company, et al. (Attachments: # 1 Exhibit 1- (cover page to page 41)# 2 Exhibit 1- (pages 41-80)# 3 Exhibit 1- (pages 81-119)# 4 Certificate of Service)(Klotz, Rafael) (Entered: 12/08/2003)
12/15/2003	55	Transmittal of Record on Appeal to U.S. District Court Re: 34 Notice of Appeal Filed by Defendants Alan Eggert and Ralph Harrison Re: 26 Order Regarding 17 Motion For Partial Summary Judgment Filed by Plaintiff Merrimac Paper Company, et al. (jr, usbc) (Entered: 12/15/2003)